



01-30-03 0197 PCT/PTO 28 JAN 2003

Express Mail No.: EL 451 599 519 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Int'l Application of: Schnell *et al.*

Group Art Unit: To Be Assigned

Serial No.: 10/070,343

Examiner: To Be Assigned

International Filing Date: September 2, 2000

Attorney Docket No.: 1803-334-999

For: SYSTEM FOR THERMAL CYCLING OF FLUIDS IN CARTRIDGES

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants submit that the requirement of the Notification of Defective Response mailed by the U.S. Patent and Trademark Office on January 10, 2003, with regard to the above referenced application which calls for a copy of the "Sequence Listing" in paper and computer readable form be submitted as required by 37 C.F.R. §§ 1.821 - 1.825 is in error.

37 C.F.R. § 1.821(c) states:

"(c) Patent applications which contain disclosures of nucleotide and/or amino acid sequences must contain, as a separate part of the disclosure, a paper or compact disc copy (see § 1.52(e)) disclosing the nucleotide and/or amino acid sequences and associated information using the symbols and format in accordance the requirements §§ 1.822 and 1.823".

In review of the specification of the above reference patent application, Applicants submit that there is no disclosure in the text of the specification, the claims, or the figures any nucleotide and/or amino acid sequences falling within the descriptions of 37 C.F.R. §§ 1.821 - 1.823. Applicants respectfully submit that the Patent and Trademark Office might be confused by the citation of abbreviations for molecular labels on page 8, for example "TAMRA"; Applicants submit that these abbreviations are not nucleotide or peptide sequences. Applicants therefore respectfully request withdrawal of the requirement of the

Notification of Defective Response mailed by the U.S. Patent and Trademark Office on January 10, 2003, for the submission of a sequence listing.

Applicants believe no fee is due in connection with this response, should the Commissioner determine that additional fees are payable, he is authorized to charge any required fee, or charge any underpayment or credit any overpayment to Deposit Account No. 16-1150 (order no. 1803-334-999) for any matter in connection with this response which may be required. A copy of this sheet is attached.

Respectfully submitted,

Date: January 28, 2003


Rahul Pathak 42,983
(Reg. No.)

For: Nikolaos C. George (Reg. No. 39,201)
PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090



10 Rpt

26 JAN 2003

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/070,343 ✓	FIRST NAMED APPLICANT Urban Schnell ✓	ATTY. DOCKET NO. 1803-334-999 ✓
INTERNATIONAL APPLICATION NO. PCT/EP00/08587 ✓		
LA. FILING DATE 09/02/2000	PRIORITY DATE 09/04/1999	

Rahul Pathak
Pennie & Edmonds
1155 Avenue of the Americas
New York, NY 10039-2711

Seq. Listing: 2/10/03 (21)

CONFIRMATION NO. 7095

371 FORMALITIES LETTER



OC000000009358015

Date Mailed: 01/10/2003

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Assignee Statement
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

RECEIVED RECORDS

JAN 17 2003
RRP-244
& DOCKETING CA OFFICE

REFERRED TO <i>Rivera</i> REC'D <i>Pathak</i> JAN 16 2003 Pennie & Edmonds O.K. for filing
--

Applicant's response filed 08/14/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 05/15/2002 have not been completed.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

■ **APPLICANT MUST PROVIDE:**

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

Telephone: (703) 305-3752

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/070,343	PCT/EP00/08587	1803-334-999

FORM PCT/DO/EO/916 (371 Formalities Notice)